

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Edison SALMERON-Bautista

Defendant.

Magistrate Case No.


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **May 1, 2008**, within the Southern District of California, defendant, **Edison SALMERON-Bautista**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Immigration Enforcement Agent,  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 8th DAY OF May, 2008.

  
UNITED STATES MAGISTRATE JUDGE

### PROBABLE CAUSE STATEMENT

On May 1, 2008, the defendant identified as, Edison SALMERON-Bautista, was arrested by the San Diego Police Department for violation of Penal Codes 114: USE FALSE CITIZEN/ETC DOCUMENT; 529.5 (C): POSSESSION OF A DECEPTIVE GOVERNMENT ID and Vehicle Code 12500 (A): DRIVE W/O LICENCE and booked into county jail. Subsequently, an immigration officer determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Hold" pending his release.

On May 7, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. A Deportation Officer conducted computer database record checks and reviewed various sources of information identifying the defendant as a citizen of Mexico having been deported or removed from the United States.

A review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered deported or removed from the United States by an Immigration Judge on or about June 20, 2006, and removed on June 20, 2006, via the San Ysidro, California Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Edison SALMERON-Bautista, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Edison SALMERON-Bautista has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, "Deported Alien Found in the United States."